

CLERK, U.S. DISTRICT COURT
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LW

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

-versus-)

No. 5:01-CR-060-01-C

CHRISTOPHER ALEXANDER,)

Defendant.)

DEFENDANT'S MOTION TO REOPEN THE TIME TO FILE APPEAL

COMES NOW the above-named Defendant, CHRISTOPHER ALEXANDER, appearing pro se, and respectfully moves this Honorable Court, pursuant to the provisions of Rule 4(a)(6)(A) of the Federal Rules of Appellate Procedure for leave to file his Notice of Appeal "out-of-time."

In support hereof, Defendant would show the following:

[1]. On or about March 9, 2009, Defendant filed with the District Court a Motion for a Reduction in Sentence pursuant to Title 18, U.S.C. § 3582(c)(2) seeking the reduction afforded by United States Sentencing Guideline's Amendment 706, which, when applied, would reduce a defendant's Guideline Offense Level by two levels for "crack cocaine" offenses.

[2]. On or about April 11, 2009, the Government filed

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NORTHERN DISTRICT OF TEXAS

1 its Response in Opposition and the Defendant submitted his
2 Response/Reply to the Government's Response in Opposition
3 on or about April 27, 2009.

4 [3]. On or about October 27, 2010, the Court issued
5 its ORDER denying Defendant's 18 U.S.C. § 3582(c)(2) Motion
6 for the reasons set out in the Government's Response. (See
7 attached ORDER, Exhibit "A").

8 [4]. Subsequent the submission and filing of
9 Defendant's motion, the Defendant made periodic inquiries
10 with the Clerk's Office as to the status of his motion and
11 was informed that it was still pending before the court.
12

13 [5]. On July 11, 2011, the Defendant received a copy
14 of the court's Opinion denying his motion for said
15 reduction. (See, copy of mailing dated July 11, 2011,
16 attached as Exhibit "B").

17 **This Court Has The Authority To Reopen The Time For**
18 **Defendant's Filing Of His Appeal.**
19

20 Federal Rules of Appellate Procedure, Rule 4(a)(6)(A)
21 clearly states in pertinent part:

22 The district court may reopen the time
23 to file an appeal for a period of 14
24 days after the date when its order to
25 reopen is entered, but only if all the
following conditions are satisfied:

26 (A) the motion is filed within 180 days
27 after the judgment or order is entered
28 or within 7 days after the moving party
receives notice of the entry, whichever
is earlier;

1 (B) the court finds that the moving party
2 was entitled to notice of the entry of the
3 judgment or order sought to be appealed
4 but did not receive the notice from the
5 district court or any party within 21 days
6 after entry;

7 (C) the court finds that no party would be
8 prejudiced.

9 Defendant contends that he meets all three of the
10 above requirements and respectfully urges the court to
11 reopen/reinstate his time to file his Notice of Appeal to
12 the United States Court of Appeals for the Fifth Circuit.

13 **WHEREFORE**, based upon the reasons set forth supra,
14 the premises and authorities offered, Defendant prays that
15 this court grant his motion and reinstate his time to
16 appeal, and for whatever and further relief that this court
17 may deem just and proper.

18 **Dated:** July 19, 2011
19 United States Penitentiary
20 Florence, Colorado

21 Respectfully submitted,

22 Chris Alexander

23 Christopher Alexander
24 Reg. No. 25906-177
25 U.S. Penitentiary
26 P.O. Box 7000
27 Florence, CO 81226

28 (Defendant Pro Se)

1 **DECLARATION OF SERVICE BY MAIL**

2

3 I, Christopher Alexander, do hereby declare pursuant

4 to the provisions of Title 28, U.S.C. § 1746, that I have,

5 on this ____ day of July, 2011, provided true and correct

6 copies of the foregoing **DEFENDANT'S MOTION TO REOPEN THE**

7 **TIME TO FILE HIS APPEAL** to the following parties by placing

8 same in First-Class, Postage Prepaid envelopes addressed

9 as:

- 10
- 11 ° Clerk's Office
- 12 U.S. District Court
- 13 Northern District of Texas
- 14 1205 Texas Avenue, Rm. 209
- 15 Lubbock, TX 79401
- 16 ° U.S. Attorney's Office
- 17 Northern District of Texas
- 18 1205 Texas Avenue, Suite 700
- 19 Lubbock, TX 79401

20

21

22 and depositing same in a Legal Mail Box located at the U.S.

23 Penitentiary, Florence, Colorado for delivery to the above.

24 By: Chris Alexander

25 Christopher Alexander

26 Reg. No. 25906-177

27 U.S. Penitentiary

28 P.O. Box 7000

 Florence, CO 81226

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION


UNITED STATES OF AMERICA)
)
v.) NO. 5:01-CR-060-01-C
)
CHRISTOPHER ALEXANDER)

ORDER

Came on for consideration Defendant's 3582(c)(2) Motion, filed March 9, 2009, together with the Government's Response in Opposition, filed April 11, 2009, and the Defendant's Response to Government's Response, filed April 27, 2009. The Court is of the opinion that Defendant's motion for modification or reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) should be **DENIED** for the reasons set out in the Government's Response.

SO ORDERED.

Dated October 27, 2010.


SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE

CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
1205 TEXAS AVE., ROOM 209
LUBBOCK, TX 79401

OFFICIAL BUSINESS

CA
Christopher Alexander
No. 25906-177
US Penitentiary
P.O. Box 7000
Florence, Colorado 81226-7000



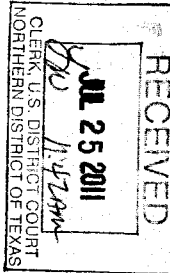
EXHIBIT "B"

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21226-7000

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Florence, CO 81226

Clerk's Office
U.S. District Court
Northern District of Texas
1205 Texas Avenue, Rm. 209
Lubbock, TX 79401



Legal /